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December 26, 2024

VIA ECF

The Honorable Sidney H. Stein
United States District Judge
United States District Court for the
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: United States v. Nadine Menendez, (S4) 23-cr-490 (SHS)/UNDER SEAL

Dear Judge Stein:

We represent Defendant Nadine Menendez. I am writing to follow up on the letter Your Honor just received from Mr. Menendez' counsel concerning the sentencing date for him and the codefendants with whom he proceeded to trial.

From our point of view as Nadine Menendez' counsel, the principal issue is how Mr. Menendez' sentencing likely would impact upon jury selection in our case, and on Nadine Menendez' ability to participate meaningfully in her defense. I take it that the parties are in agreement that the sentencing should not occur during Ms. Menendez' trial. The issue, as I understand it, is whether the sentencing should precede our trial or occur subsequent to it. I will not purport to express any thoughts regarding the impact of advancing the sentencing on Mr. Menendez and his codefendants, since we do not represent them, other than to note the obvious -- sentencing in a serious criminal case is a frightening prospect, and causing it to occur sooner than is presently scheduled could be a challenging development to cope with for anyone. More to the point, from our perspective, is the adverse impact that a sentencing, only a short time prior to *voir dire* in our case, likely would have on the Court's ability to select a jury that is not influenced by the outcome of Mr Menendez' trial. Mr. Menendez' trial was a number of months ago, and while numerous members of our venire likely will be aware of it, it likely will be a relatively distant memory. Sentencing of a former United States Senator likely would engender such a flash of intense publicity that it likely would be known to virtually every prospective juror in our case, and would be a recent memory. This would make it much more difficult to find a jury that would not draw adverse inferences against Ms. Menendez as a result of the verdict and sentencing of her husband and alleged co-conspirator.

Further, if Mr. Menendez were sentenced shortly before our client proceeds to trial, that likely would have a devastating impact on our client, which, I believe, would make it difficult if not impossible for her to concentrate on, and participate meaningfully in, her trial.

Accordingly, our view is that the most appropriate resolution of this issue would be to schedule Mr. Menendez' sentencing after his wife's trial concludes.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Barry Coburn", with a stylized, cursive script.

Barry Coburn